

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/189596

APPLICANT: Billy Martin's Western Wear LA, Inc.

CORRESPONDENT ADDRESS:
SUSAN SHIN,
GOODWIN PROCTER LLP
599 LEXINGTON AVENUE
NEW YORK, NY 10022-6030

October 6, 2004
RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: BILLY MARTIN'S

CORRESPONDENT'S REFERENCE/DOCKET NO: 105339.14465

CORRESPONDENT EMAIL ADDRESS:
sshin@goodwinprocter.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examiner's name and "Intent to Use Section".
4. Your telephone number and e-mail address.

INTENT TO USE OFFICE ACTION

Serial Number 78/189596

The divisional request filed on June 14, 2004, has been completed. Applicant has requested that certain goods/services remain in the original (parent) application. Please note that office procedure is to place in the child application those goods/services in condition to move forward towards registration. The reason for this procedure is that more than one child application may be created from the parent file and the ITU/Divisional Unit prefers to photocopy from original papers.

The goods/services identified in the Amendment to Allege Use for International Class(es) 14, 18, 20, and 35 have been placed in the newly created child application, serial number 78/975664. The goods/services identified in the Amendment to Allege Use for International Class 25 remain in the original (parent) application, serial number 78/189596.

NOTICE: TRADEMARK OPERATION RELOCATING OCTOBER AND NOVEMBER 2004

The Trademark Operation is relocating to Alexandria, Virginia, in October and November 2004. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Applicants, registration owners, attorneys and other Trademark customers are strongly encouraged to use the Trademark Electronic Application System (TEAS), at www.uspto.gov whenever appropriate.

To reach the undersigned after October 13, 2004, please call (571) 272 - 9492. The fax number to use after this date is (571) 273 - 9492. Thank you.

If you have any other questions or concerns, please feel free to call the ITU/Divisional Unit at (703) 308-9550.

Sincerely,

Celia Abednego
Celia Abednego
Paralegal Specialist
ITU / Divisional Unit
703-308-9550 Ext. 114
celia.abednego@uspto.gov

If a response to this Office Action is required, you may:

- Respond via regular mail. Your response should be sent to the "Return Address" identified above and include the serial number, the mark, the applicant's name, the words "Response to Intent to Use Office Action" and your telephone number.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>